Juvenial Justice Essay, Research Paper

All legal systems were have distinguished between juvenile delinquents and adult criminals. Youth are usually not considered morally responsible for their behavior. Under the code of Napoleon in France, an example is limited responsibility was given to children under the age of 16. The punishment of juvenile offenders up to the 19th century was often as harsh as those given to adult offenders. In the U.S., young criminals were treated as adult criminals. Sentences for all offenders could be harsh and the death penalty was occasionally imposed.

The first institution only for juveniles, the House of Refuge, was built in New York City in 1824 so that jailed delinquents could be kept away from adult criminals. Half way through the 19th century other state institutions for juvenile delinquents were built, and their inmates soon were not only young criminals but also less serious adult offenders. The juvenile institutions movement spread rapidly throughout the U.S. and abroad. These early institutions were often very rigid and punitive.

In the second half of the 19th century increased attention was given to the need for special legal procedures that would protect and guide the juvenile offender rather than subject the child to the full force of criminal law. Massachusetts in 1870 and 1880 and New York in 1892 provided for special hearings for children in the courts. As the U.S. juvenile justice system began to develop, jurisdiction over criminal acts by children was transferred from adult courts to the newly created juvenile courts. The first such court was established in Chicago in 1899. One of the principal reasons for the new system was to avoid the harsh treatment previously imposed on delinquent children. An act of wrongdoing by a minor was seen as an indication of the child’s need for care and treatment rather than a justification for punishing that child through criminal penalties. Besides the juvenile court, other innovations in working with juvenile delinquents have appeared in the 20th century, including child-guidance clinics, juvenile-aid bureaus attached to police departments or other official agencies, and special programs in schools.

Juvenile Crime in the U.S.

The public appears much more aware of juvenile crime today than in the past; this is due in part to more thorough reporting techniques and greater emphasis on publicizing delinquent acts in the media. Official U.S. crime reports in the 1980s showed that about one-fifth of all persons arrested for crimes are under 18 years of age. In the 1970s, juvenile arrests increased in almost every serious crime category, and female juvenile crime more than doubled. During the most recent five-year period studied, juvenile arrests decreased slightly each year. Unofficial reports, however, suggest that a higher percentage of juveniles are involved in minor criminal behavior; grossly underreported common offenses include vandalism, shoplifting, underage drinking, and using marijuana.

Official records indicate that much juvenile crime is a group or gang activity. Juvenile gangs are typically classified as violent, delinquent, or social. Members of violent gangs sometimes have unstable personalities. Disputes center on territory or gang warfare and are assaultive, often involving deadly weapons. While group violence is sanctioned, individual violence is discouraged. The delinquent gang is a small cohesive group developed to carry out criminal acts, such as petty thievery and mugging. Although violence may be used, the primary goal is material gain. The social gang is a relatively permanent group of youths who generally exist in accord with society. In contrast to the common characterization of gang-generated crime, however, self-report studies often reveal that youth crime is a personal, independent effort not directly related to group activity.

Juvenile Crime in Other Nations

Comparisons of the juvenile crime rates in various countries are severely limited by wide variations in national legal systems, categories of criminal behavior, and methods of reporting crimes; certain similarities are apparent, however. For example, Canadian, Australian, and European victimization studies show the actual number of crimes to be several times those known to the authorities. According to one study in Finland, the larcenies known to the police were only 5 percent of the total that occurred. Also, homicide rates in France, Spain, and Great Britain are far lower than those in such countries as the United States and Mexico.

The major causes of delinquency in various countries are related to each nation’s economic and social environment. In Brazil, for instance, the incidence of widespread poverty and the number of abandoned children in large city slums may be primary causes of juvenile crime. Delinquency research in India suggests that the primary causes are the changing social system, the population explosion, and shifting morals and values. Egypt reports that known delinquency has doubled in recent times, coupled with a decline in available services for offenders; many of these juvenile delinquents have been faced with very difficult social circumstances, such as surviving as abandoned children in city streets. Although the Soviet Union abolished its juvenile court system in 1935, it was not successful in eliminating delinquency. The government variously blamed the problems on inadequate parenting, failure of the schools, and remnants of the past sociopolitical climate. Many countries, such as Japan, report a decline in the number of juvenile delinquents that parallels a decline in the number of young people generally. Almost universally reported is the fundamental change in or breakdown of traditional patterns of family living, and this is cited as a major cause of juvenile crime around the world.

The Juvenile Delinquents Act

The Juvenile Delinquents Act of 1908 enunciated a philosophy which required that children adjudged to have committed delinquencies (i.e. breaches of municipal, truancy, provincial, or federal law) be dealt with not as offenders, but as being in a condition of delinquency and requiring help and guidance and supervision. The determination of whether or not a delinquency had been committed was made informally and sometimes without due process. Available sentencing options included suspension of disposition, adjournment sine die (no penalty), fines, probation, placement with Children’s Aid Society, and indeterminate committal to training school. Sentence did not necessarily fit the crime. An individual who violated a minor provincial statute could be sentenced to training school for an undetermined length of time if the judge thought it necessary to reform his or her delinquent condition.